

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL No. 2804

This document relates to:  
Track One Cases

Hon. Dan Aaron Polster

**DISTRIBUTOR AND PHARMACY DEFENDANTS' MOTION FOR LEAVE TO FILE  
PARTIAL OBJECTION TO DISCOVERY RULING NO. 7 AND EXHIBIT E TO  
TO THE OBJECTION UNDER SEAL**

Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, "Distributor Defendants"), and Walgreens, Rite Aid of Maryland, CVS, and Walmart (collectively, "Pharmacy Defendants") seek leave to file their Partial Objection to Discovery Ruling No. 7 and Exhibit E to that Objection under seal. Distributor and Pharmacy Defendants file this Motion and Proposed Order to ensure compliance with the Court's Case Management Order Number Two: Protective Order, ECF Doc. 441 ("Protective Order").

Local Rule 5.2 states: "No document will be accepted for filing under seal unless a statute, court rule, or prior court order authorizes the filing of seal documents."

On May 15, 2018, the Court issued a Protective Order and stated:

Only Confidential or Highly Confidential portions of relevant documents are subject to sealing. To the extent that a brief, memorandum, or pleading references any document designated as Confidential or Highly Confidential, then the brief, memorandum, or pleading shall refer the Court to the particular exhibit filed under seal without disclosing the contents of any confidential information. If, however, the confidential information must be intertwined within the text of the document, a party may timely

move the Court for leave to file both a redacted version for the public docket and an unredacted version for sealing.

Protective Order at ¶ 62.

The Distributor and Pharmacy Defendants' Partial Objection to Discovery Ruling No. 7 and Exhibit E to that Objection contain information that is subject to the Court's Protective Order. Therefore, the Distributor and Pharmacy Defendants respectfully request leave to file their Partial Objection to Discovery Ruling No. 7, as well as Exhibit E, under seal, so there is no disclosure of Defendants' confidential information or information subject to the Protective Order. A redacted and unredacted version of Distributor and Pharmacy Defendants' Partial Objection to Discovery Ruling No. 7 is being filed contemporaneously with this motion.

WHEREFORE, the Distributor and Pharmacy Defendants respectfully request the Court grant Distributor and Pharmacy Defendants' Motion for Leave to File Their Partial Objection to Discovery Ruling No. 7 and Exhibit E to that Objection Under Seal.

Dated: November 13, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, J. Philip Calabrese, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

*/s/ J. Philip Calabrese*  
J. Philip Calabrese